

HIS HONOR

BY BEN AMES WILLIAMS.

A Court Decision and the Case of the Judge Himself.

JUDGE HOSMER'S study was on the second floor of his home. Not a pretentious room. Calabound volumes on the shelves that lined the walls; a comfortable chair under a reading light; a work table on which books, papers, pen and ink, were usually littered, and a more formal desk where, in laborious longhand and disdaining the services of a stenographer, the judge wrought out his opinions. There was a homely honesty about the room; a clean suggestion of common sense and fundamental decency; a certain uprightness. Rooms much used do thus at times reflect the characteristics of those who use them.

The judge was, this evening, at the desk and writing. He used a stiff stub pen, and he wrote slowly, forming the large characters with care, forming the pellucid sentences with equal care. He consulted no notes; it was his custom to clarify the issues in any case so thoroughly in his own thoughts that there could be no hesitation when the moment came to set those issues down. Half a dozen sheets, already covered with his large hand, lay at his elbow. His pen was halfway down another when a light knock sounded upon his closed door.

The judge finished the sentence upon which he was engaged, then lifted his eyes and looked across the room and called:

"Come, Mary."

His wife opened the door and stepped inside. She was behind her, and crossed to her husband's chair, and dropped her hand lightly on his head. He lifted his own hand to smooth hers caressingly.

"Almost through," she asked.

He nodded. "Another line or two."

"Jim Cotterill is downstairs," she told him.

The judge seemed faintly surprised. "Jim?" he repeated. And added thoughtfully, half to himself, "Well, now."

"He says there's no hurry," she explained. "Says he just dropped in for a word or two. Just to say howdy."

"That's neighborly," her husband commented. "Course, I've seen him every day in court. But I haven't had a chance to talk to him; to ask him how things are down here."

She nodded, smiling. "Another of your scruples, Bob?"

"I wouldn't have looked right," he agreed. "The other side were doubtful, anyway, knowing I'd been attorney for the Furnace a few years ago, and knowing Jim and me were townsmen."

"Know," she assented.

"Case is finished, now, though," he commented. "Tell Jim I'll be through in fifteen or twenty minutes. You entertain him, Mary."

She made a gesture of impatience. "He makes me uncomfortable," she said. "I never liked him."

The judge smiled. "Oh, Jim's all right. He's fat, and he's a little bit slick. But he means all right, I reckon. Give him a cigar and ask after his folks. He'll do the talking for both of you."

She nodded, moving toward the door. "Yes," she assented, and asked: "I haven't bothered you?"

"The judge smiled. 'Lord, honey, I've never bothered you.'"

But when the door had closed behind her, his countenance was faintly shadowed. Concern showed in his eyes, dwelt here. He remained for a little time motionless, absorbed in some thought that distressed him. In the end, there was a suggestion of effort in his movements as he picked up his pen and began again his slow and careful writing. Bethany Iron Furnace against John Thomas, David Jones, et al. His decision.

It was half an hour later that the judge came out of his study to the head of the stairs and shouted down them: "Hi, Jim!"

Cotterill, a certain impatience increasingly manifest in his eyes, had been talking with Mrs. Hosmer. He answered, and the judge called to him: "Come along up."

Mrs. Hosmer followed the attorney into the hall and watched him climb the stairs. A short, bald man with a countenance that was always good-natured, but never prepossessing. She saw him grip her husband's hand at the top, panting a little from the ascent. They turned together toward the judge's study, and she went back into the living room.

"THIS is neighborly of you, Jim," Judge Hosmer was saying, as he closed the study door behind them. "I didn't figure we ought to get together while the case was going on," he explained.

Both men, meticulous and precise in their professional manners, dropped easily into the more colloquial idiom of their daily life.

"Right enough," Judge Hosmer agreed. "Fair enough. But no harm now. How're tricks, anyhow? Folks well?"

"Yes, well enough. Were when I left. I've been too busy to do much letter writing since I came up here."

"They have sort of kept you humping, haven't they?" the judge asked.

"Well, that's my job," Cotterill told him, and the judge assented:

"Sure, that's your job."

A little silence fell between these two. The judge, tall and lean, with bushy brows above his wide-set eyes, studied the fat little man with some curiosity. Cotterill seemed indisposed to speak, and the other asked at last, "Family all well, Jim?"

"Well? Sure. Fine."

"What's the news, anyway?" the judge insisted. "I haven't heard from the folks lately."

The attorney leaned back in his chair, somewhat more at ease, and he smiled. "Well," he said, "things go along about the same. Folks down home are right proud of you, Judge."

"Sho," said Hosmer, deprecatingly. "Yes, they are. They are. I'm good naturally."

When he sent for me about this case, in the beginning. He told me to give you his regards and good wishes."

"That was neighborly of him."

Cotterill nodded. "Tom's always been proud of you, you know, Bob. Come, being at the head of the Furnace, the way he is, he runs a lot of votes in the county, and he's always kind of figured that he elected you. Helped, anyway. Feels like he's done something to put you where you are."

He liked you when you were handling their business, too. I guess the old man kind of feels like you were his own son."

Hosmer's thin, wide mouth drew into a smile. "A fatherly interest, eh? Tom's a good old man."

"Well, he's not the only one down there that feels that way about you, Bob. You know how the folks there stick together—the men that amount to anything—Tom's brother, Old Charley Steele, and Dave Evans, and that crowd. They're always been back of you. Sort of feel as though you were one of them."

"Best friends I've got in the world," Hosmer agreed.

Cotterill chuckled. "Matter of fact, it's right funny to see them watch the papers when you're sitting in one of these big cases up here, bragging to strangers that you're from there."

"Yeah," Hosmer remarked encouragingly. He watched the fat little lawyer, an ironic question in his eyes.

"They're all getting ready to get behind you and push, when you run again," Cotterill assured him. "Dave Evans said here, just the other day, that you could get pretty near anything you wanted to, if you watched your step. It means a lot to have the home-town folks back of you, you know. There's a neat bunch of votes down there, Bob."

"Sure," the judge agreed.

COTTERILL opened his hands with a frank gesture. "Of course, it's all watching this case, right now. It's pretty important to the Furnace, you know. Not much in this one, but it's a precedent. Reckon it would cut into the business they do down there quite a bit if things went wrong. Tom says to me, when we first talked about it: 'You got to win this case, Jim. If you don't, it's going to cost us money.' And what hurts the Furnace hurts the town."

He hesitated, and the judge said slowly and pleasantly:

"You're dodging around corners, Jim. What's on your mind?"

Cotterill swung toward the other, leaning a little forward in his chair. "Well," he began, then hesitated. "Bob, you know my reputation, I guess?"

"I know you're reputed to be—successful," said the judge. If there was in his word anything of criticism or of reproach, Cotterill paid no heed.

"I mean, you know, that I've the reputation of going right after what I want. No wabbling around."

"Have you, Jim?"

"And I'm coming right to the point now."

"Come ahead."

The fat little man hitched his chair a little nearer the others. His voice was lowered. He gestulated with a pudgy finger.

"First thing," he explained, "I want to be sure you understand just how important this is; to us and to you, too. It's business with us, but it's a policy with you. That's what I want you to understand. They haven't asked you for anything because they thought you got started, and they don't aim to. Not for what was done for you then. But we can't afford to lose this case now."

Hosmer said slowly: "Case is finished, Jim. Decision is all written. It's in that envelope there." He pointed toward the top of his desk.

Cotterill shot a glance in that direction, and heads of great stars twinkled upon his forehead. "That's all right," he said. "No need of going into that. I know I'm not much as a trial lawyer. I know I fell down on this case. Facts and law were with us, but I didn't get the stuff into the record the way I'd ought to, and some of our

witnesses didn't stand up when Marston got after them. Marston's a good lawyer, but there's more to trying a case than the court end of it. I'm trying my case right now, Bob."

The judge did not reply. He seemed to have settled into a certain stony calm; his eyes were steady and inscrutable. Cotterill waited for an instant, then swung swiftly on.

"Thing is," he said, "you want to figure whether you're going to stand with us, and have us back of you, or whether you want to stand with this other bunch. They were against you at the start. You know that. And they're not going to shift now, even if you're good to them. They'll just figure you're scared."

"You're coming up for re-election one of these days, maybe for a bigger job. And if we're solid back of you, you can have anything you want. You know that, Bob. But if we split, you're a goner. There's the whole thing. You stick with us and we'll stick with you. You throw us, and we'll remember it. We're not asking favors for what we have done, but for what we figure to do. See?"

He stopped short, watching the other shrewdly. The judge at first made no move, said no word. His eyes were thoughtful and his glance was not turned toward the other man.

"Do you see?" Cotterill repeated. "I—see what you mean," said the judge slowly.

"Then, what do you say?" the fat man insisted.

Judge Hosmer swung slowly to face him. There was something judicial in his tones, even and calm, and his colloquialisms were gone.

"I'm not ambitious—in a political way," he replied.

JIM COTTERILL watched him, marked the apparent hesitation in his answer, and the fat man licked his lips and looked behind him toward the door with something furtive in his manner. Then he jerked his chair still nearer to the other, with the buttonholing instinct always so strong in his ilk, and laughed in an unpleasant way.

"All right, Bob," he said. "All right, I get you. We're ready to meet you on that ground, too."

"On what ground?" the judge asked tonelessly.

Cotterill whispered explained. "We know your affairs pretty well, Bob," he said assuringly. "You've got a reasonable salary, but it's none too much. You like to live comfortably, and nobody blames you. Everybody feels the same way. There are a lot of folks that'd like to be friendly—help you out if you wanted they should. And there are a lot of ways they could help you—any way you like."

"What way?" Judge Hosmer insisted.

Cotterill's embarrassed reluctance, if such an emotion can fairly be attributed to the man, passed before the judge's encouraging inquiry.

"There's that mortgage," he suggested. "I know it's a burden to you. It ain't that you need the money. You're paying 6 per cent on it and making more than that on the money it releases for you. Pays any man with a business head to borrow at 6 per cent. That's all right. But maybe there are times when you fret a little bit about that mortgage. Well, Judge, you don't need to. Easiest thing in the world to have it tore up. All you got to do is say the word."

The judge did not say the word. Cotterill pursued the subject.

"Maybe there's something else," he suggested. "I take it you're a business man, but I may be wrong. Maybe you don't know where to get any better than 6 per cent for your

money. If that's the trouble, we can help you, too. You don't know the market—not your business. But there are men that do know it. Fact is, they are the market, Judge. They make it jump over a stick whenever they like. Old Tom is in with them. And they'd be glad to show you the way. You wouldn't have to worry. You just open an account. Put in as much as you like. I can guarantee it'll double and double for you pretty regular, handled right. You can call it a speculation, but it's not that—not when the market is trained way it is. You see how I mean?"

The judge said nothing at all, and Cotterill threw out his hands with an impatient gesture.

"Or," he suggested, "it may be you haven't got any loose money to put in. That'll be all right. They'll carry the account for you—carry it and take care of it, and whenever they make a turnover mail your check to you. You cash it—that's all there is."

There was no answering gleam in the judge's eye, and Cotterill added hurriedly:

"Maybe the notion of a check bothers you. It does leave a trail. But cash don't, and cash can be got. There won't be any trouble about that, nor about how much. We're responsible people, so are you. Come on, Bob. What's the matter?"

The judge said, almost abstractedly and entirely without heat:

"You're interesting, Jim, but you're not convincing. You see, it just happens that I don't take bribes."

COTTERILL twisted in his chair as though under a blow, and his face purpled with anger. He struck his fist upon the edge of the desk before him.

"All right, all right, Bob," he cried hotly. "If you won't have it in your head, take it the other way. You can't pull this high and mighty on me. You can't get away with it. What are you after, anyway? I haven't named a figure. You could have named your own if you'd been reasonable. 'Steal of that, you've got to grow wings and fan 'em like an angel or something. You can't pull that with me, Bob. I know too much.'"

"What do you know, Jim?" the judge asked mildly.

Cotterill laughed. "Getting under your skin, am I? Thought I would. You think I'd go into this without making sure I had your money. I've looked you up, Bob. I've had you looked up. I know you, inside out. And I'll tell you flat, either you come across now or everybody'll know you as well as we do."

"How well do you know me?" Hosmer inquired.

The attorney held up his left hand, the fingers outspread, and he ticked off his points upon these fingers.

"This well," he declared. "Item one—You sat in the steel case. When the decision was announced the market went off. Robertson Brothers had you on their books, short a thousand shares. You made a nice little pile. Legal enough, maybe, Judge, but not right ethical. Would you say so?"

"So on," said the judge.

The fat little man touched another finger.

"Item two—Remember the Daily trial, down home? 'Chet Thorne? Remember him? Witness for the other side. You was defending Daily. He needed it, too. He was guilty as the devil. Chet told the truth first trial. But you got a disagreement, just the same. Second trial, Chet lied. You got Daily off. Well, we've got Chet. You can't find him, but we

know where he is, and we've got his affidavit to why he changed his story. Oh, it was slick! Nobody could get Chet for perjury. Change didn't amount to enough for that, but it was enough for what you needed. You got away with it then, but Chet's ready to tell how you got away with it now."

He stopped again, and the judge inquired:

"Is that all?"

Cotterill shook his head.

"Not quite. Item three—The matter of the Turner trust and how it happened the trustee was short and how the thing was covered up. You were the trustee, Bob. One, two, three—and there you have it!"

He struck the desk again, triumph inflaming him.

"Furthermore," he cried, voice suddenly shrill, "the Turner trust and the story's ready to spring. This afternoon petition for your disbarment was filed down home. In a sealed envelope. And the whole story back of it's ready. When I leave here, before midnight tonight, I'll hit a telephone. If I say one word, the envelope goes into the fire. If I don't say the word, the envelope's opened in the morning and the story's on the street in the Chronicle before breakfast. There's the load, Judge."

He shrugged, his hands outspread.

"Look it over. Simple enough. Be

good and you'll be happy. Now what do you say?"

FOR a long moment there was silence in the quiet room, and when the judge spoke it was in a gentle, but a decisive tone.

"Nor I've never permitted myself to be blackmailed, Cotterill," he replied.

The lawyer stormed to his feet; he threw up his hands. "All right," he cried. "Then it's bust for you."

The judge nodded. "Maybe," he agreed. "Of course, this is old stuff. A little of it true, and a good deal of it lies. Dates back ten—twenty years. Maybe you can make it go. I don't know. But I do know one thing, Jim. I know you're a dirty specimen."

There was, abruptly, a hot ring in his tones.

Cotterill cried: "That'll do! You're through. No man can talk to me that way."

Hosmer's long arm shot out; his fingers twisted into the other's collar. "Talk to you? Talk to you?" he repeated quietly. "Why, Jim, I aim to do considerable more than talk

folks will walk right by and never see us, tomorrow, Mary."

Comprehension came swiftly into her eyes; she cried rebelliously: "You've lived those old tales down, Bob?" He shook his head. "Any way," she told him, "I'm glad you kicked him out as you did."

The judge nodded. Then a slow smile crept into his eyes. "Matter

of fact, Mary," he said, "this affair has its funny side."

"Funny," she echoed.

"Yeah," she said.

"Why?"

"I'd written my decision before he came upstairs," he explained. "I'd already decided the way he wanted me to."

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William and Mary College Phi Beta Kappa Birthplace

BY WILL F. KENNEDY.

THE Phi Beta Kappa Society, which is now represented in all of the great universities and colleges of the country,

was organized by fifty students of old William and Mary College, Williamsburg, Va., on December 5, 1776. The original minutes are still preserved at the college and the roll contains many famous names.

William and Mary College is second only to Harvard among the oldest institutions for higher learning in this country. Her alumni gave America the Declaration of Independence and the Monroe doctrine. Her roll of fame includes three Presidents—Thomas Jefferson, James Monroe and John Tyler—and two signers of the Declaration of Independence—George Wythe and Carter Braxton. Seven of her alumni were in the Continental Congress and one of them was President.

In antecedents the history of the college goes back to the proposed college at Henric, and the first General Assembly of America, that met at Jamestown in 1619 and passed a resolution urging the London Company to begin at once the construction of the building on the site already selected. The idea, checked for a time by the Indian massacre of 1622, never died away, and from it came, in 1693, William and Mary.

The first American college to receive a charter from the crown, under seal of the privy council, 1693.

The first and only college to be granted a coat of arms from the Herald's College of England, 1694.

The first American college to have a full faculty of president, six professors, writing master and usher.

At William and Mary was inaugurated the first elective system of studies; the first honor system; the first schools of modern languages and of municipal law, which were established in 1779, under the influence of Jefferson. It is also the first college to teach political economy, 1784, and the first to found a school of history, 1803.

Although George Washington had no college education, he received from William and Mary the commission as surveyor which gave him his first opportunity of distinction, and from 1788 till his death he was its chancellor. Thus in youth and old age his connection with the college was close and should be memorialized.

William and Mary is the American Louvain. In fact, her fate was worse, for her destruction in 1862 was in a civil war, and there was no community of nations to extend sympathy and help.

William and Mary's influence on technical education is among her greatest achievements. The first regular courses on physical science ever given in the United States were in her halls. Among the noted scientists who were instructed at William and Mary was William Barton Rogers, who founded, in 1861, Massachusetts Institute of Technology.

Among the fifty founders of the Phi Beta Kappa fraternity were two ancestors of William Tyler Page, now clerk of the national House of Representatives—John Page, afterward Governor of Virginia, and George Braxton, son of Carter Braxton, signer of the Declaration of Independence.

Others in the list of Phi Beta Kappa founders were Spencer Roane of the court of appeals of Virginia, who would have become Chief Justice of the Supreme Court of the United States if the appointment had been left to President Jefferson, instead of having been made by President Adams; John Marshall, the great Chief Justice, who was a captain in the revolutionary army; Bushrod Washington, a soldier in the revolution, who became an associate justice of the Supreme Court; John J. Berkeley, first clerk of the House of Representatives and first librarian of Congress; John Cabell,

who closely co-operated with Mr. Jefferson in founding the University of Virginia, and John Heath, first president of the fraternity, who was later a member of Congress.

A large number of the Phi Beta Kappa men of various institutions some years ago formed the Phi Beta Kappa Alumni Association of the District of Columbia, which last week elected Representative R. Walton Moore of Virginia as its president, and made a substantial contribution toward the erection at William and Mary College of a Phi Beta Kappa memorial hall.

While Mr. Moore is not an alumnus of the college, he has been for several years identified with it. He served on its board of visitors under the original charter granted by the English king and queen before the college was taken over by the state. His Phi Beta Kappa key was given him by the college last June, and the college conferred on him its degree of doctor of laws. He is the last recipient of that honor, which was first conferred on Mr. Jefferson. Last December he delivered an address at the college on the anniversary of the promulgation of the Monroe doctrine, which has attracted wide attention.

Representing the Mount Vernon, Va., district, Mr. Moore entered the Sixty-sixth Congress to fill a vacancy, and in a comparatively brief time achieved national recognition. He is being urged as a candidate for Governor of Virginia.

On December 5, 1776, the Phi Beta Kappa fraternity came into being, at the college of William and Mary. The spirit of patriotism and zeal for the promotion of cultural activities, which marked its founders then and in after years, was notable, and is a treasured inheritance of the fraternity today. A few years after its formation the society granted charters to Harvard and Yale universities, thus beginning the growth of the fraternity to an organization of ninety-two chapters and more than 40,000 members.

The desire to honor these founders of Phi Beta Kappa by the erection of a memorial building at William and Mary has long been cherished by many members of the fraternity and has been approved by the Phi Beta Kappa senate.

Plans in contemplation for the erection of the Phi Beta Kappa memorial hall for the restoration, as a part of the building, of the famous Apollo room, where, tradition has it, was held the first meeting of Phi Beta Kappa. The minutes show that many other meetings, especially anniversary celebrations, were held there.

The Apollo room was the meeting room of old Raleigh Tavern, famous in revolutionary days as the rendezvous of the notables who thronged Williamsburg, the colonial capital of Virginia. Members of the house of burgesses and patriots such as George Washington, Thomas Jefferson, Patrick Henry, George Wythe and John Marshall were accustomed to converse on weighty matters of state in this chamber. Public gatherings were held there.

It is proposed to restore the Apollo room in its original form, from existing authentic sketches, as a meeting room for Phi Beta Kappa members and as a museum for the preservation of historical material and memorabilia relating to the fifty founders whose connection with the famed chamber was so intimate.

Losing the historian, in his "Field Book of the Revolution," wrote in 1848 that "the Raleigh Tavern and the Apollo room are to Virginia, relatively, what Faneuil Hall is to Massachusetts."

He Ate It

Mother—Where's the paper plate I gave you under your pie, dear?

Jack—Was that a plate? I thought it was the lower crust.



"I—SEE WHAT YOU MEAN," SAID THE JUDGE, SLOWLY.



MRS. HOSMER FOLLOWED THE ATTORNEY INTO THE HALL AND WATCHED HIM CLIMB THE STAIRS.

to you." His right hand swung; he slapped the squirming man across the cheek; swung and cuff Jim Cotterill to and fro in a cold fire of rage. Urged him toward the door; half thrust him down the stairs; spurred his tumultuous exit from the house. A last stinging blow, and "Gid!" he said.

Cotterill was gone.

The judge's wife had come into the hall. Hosmer slowly shut the door, and he rubbed his hands as though they were soiled. There was trouble in his eyes, where the anger died.

Mary Hosmer touched his arm; asked softly: "What is it, Bob?"

He looked down at her; slowly shook his head. "Trouble, Mary," he said frankly. "He wanted to beg, or buy, or steal the Furnace case. They're raked up those old affairs. The Chronicle will print the whole business in the morning. I've gone to release the story now. I guess
